

To: Fritz, Matthew[Fritz.Matthew@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]
From: Distefano, Nichole
Sent: Mon 8/10/2015 2:59:25 PM
Subject: RE: Delegation Letter

Deliberative Process/Ex. 5

Nichole Distefano

Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

Environmental Protection Agency

(202) 564-5200

Distefano.Nichole@epa.gov

From: Fritz, Matthew
Sent: Monday, August 10, 2015 10:51 AM
To: Distefano, Nichole; Vaught, Laura
Subject: RE: Delegation Letter

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

From: Distefano, Nichole
Sent: Monday, August 10, 2015 10:45 AM
To: Fritz, Matthew; Vaught, Laura
Subject: FW: Delegation Letter

For us to discuss. This is a draft.

Nichole Distefano

Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

Environmental Protection Agency

(202) 564-5200

Distefano.Nichole@epa.gov

From: Stoddard, Andrew [<mailto:Andrew.Stoddard@mail.house.gov>]
Sent: Monday, August 10, 2015 10:42 AM
To: Distefano, Nichole; Black, Jonathan (Tom Udall)
Subject: RE: Delegation Letter

August 10, 2015

The Honorable Gina McCarthy

Administrator

U.S. EPA

1200 Pennsylvania Avenue, N.W.

Washington, DC 20460

Dear Administrator McCarthy:

It is with great concern that we write to you in the recent aftermath of the release of three million gallons of wastewater from the Gold King Mine in southern Colorado. The spill has contaminated the Animas River, which flows into northern New Mexico and the Navajo Nation. We know that the EPA is working to address the impact of the spill; however we have many concerns and unanswered questions about this critical effort following a recent community meeting in Farmington, New Mexico.

In the immediate wake of the spill and in the days that followed, there was a troubling lack of communication from EPA to federal, state, and local officials. Our offices, as well as leaders in the State and our constituents, had to learn of the spill and critical details from news reports before receiving any information from EPA. Many of our constituents continue to feel that EPA is not providing timely information, and we encourage you to better communicate with impacted communities.

In an effort to improve communication and coordination, we believe that EPA should establish a single point person to oversee the agency's efforts. With the spill impacting three EPA regions, it is critical that all regions are working collaboratively. We are concerned that data that has been released by Region 8 was slow to be shared with the State of New Mexico. One person overseeing EPA's efforts will help ensure proper communication and collaboration between the regions and between EPA and the public.

Another step we believe should be taken immediately is the establishment of a toll free number for New Mexico residents to call for information about the spill and steps they can take to protect their health and safety. While a phone number has been set up in Colorado, a number for New Mexico has not been established. Please act swiftly to address this.

Since learning of the spill, our offices have been in constant communications with EPA, however, we have yet to be presented with a comprehensive plan from the agency to provide water to those whose wells have been affected, farmers whose crops are not being irrigated, ranchers whose livestock are without water, and people for drinking, cooking, and showering. Already, a lack of water is taking a toll on these individuals and their livelihoods. We request a detailed plan from EPA to address this lack of water in San Juan County and the Navajo Nation. In addition, EPA must provide impacted States with all of the resources that it has at its disposal. The agency should begin by fulfilling the current requests submitted by all of the State partners, including a mobile lab for water quality tests.

As our communities deal with the impacts of the Gold King Mine spill, it is important to know if EPA is conducting any similar work on other mines in region, and if so, are those efforts continuing or have they been halted? We would like to know if EPA had a mitigation plan in place prior to the spill in an effort to prepare for any adverse outcomes during work on the Gold King Mine. If work is occurring on other mines, are there mitigation plans in place for those? In addition, it is important that we do not exacerbate this situation right now and we would like assurances that EPA has or is developing contingency plans for any additional mine failures, heavy rain events or any other scenario that could worsen the situation.

While the immediate efforts are focused on ensuring the health and safety of all those affected by this serious spill, in the coming days and weeks there must be a serious discussion about the financial impact felt by the State of New Mexico, the Navajo Nation, local governments, and individuals. We believe there is a responsibility to make whole all those who have been harmed economically in a timely fashion.

Due to the serious nature of the situation in northern New Mexico, we look forward to a swift response to these concerns, and again encourage EPA to better communicate with the impacted communities.

Sincerely,

Senator Tom Udall

United States Senator

Martin Heinrich

United States Senator

Ben Ray Luján

Member of Congress

CC:

Regional Administrator Ron Curry, Region 6

Regional Administrator Shawn McGrath, Region 8

Regional Administrator Jared Blumenfeld, Region 9